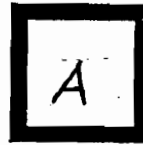


## EXHIBIT COVER PAGE



EXHIBIT

Description of this Exhibit:

Case No. *CV-07-05644-SI (pr)*

Number of pages to this Exhibit 9 pages.

JURISDICTION: (Check only one)

- ☐ Municipal Court
- ☐ Superior Court
- ☒ Appellate Court
- ☐ State Supreme Court
- ☒ United States District Court
- ☒ State Circuit Court
- ☐ United State Supreme Court
- ☐ Grand Jury

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

HOMER E HAWKINS,  
Plaintiff,

Case Number: CV07-05644 SI

**CERTIFICATE OF SERVICE**

v.

ROBERT DOYLE, SHERIFF et al,  
Defendant.

---

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 22, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Homer Earl Hawkins  
C-55875  
Ironwood State Prison  
PO Box 2199  
Blythe, CA 92226

Dated: April 22, 2008

Richard W. Wicking, Clerk  
By: Tracy Sutton, Deputy Clerk

FILED

APR 28 2008

RICHARD W. WILLIAMS  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

HOMER E. HAWKINS,  
Plaintiff,

No. C 07-5644 SI (pr)

**JUDGMENT**

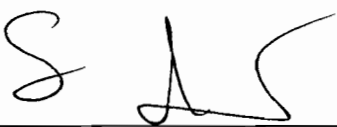
v.

ROBERT DOYLE,  
Marin County Sheriff; et al.,  
Defendants.

This action is dismissed without prejudice to plaintiff asserting his claims in an action for which he pays the full filing fee at the time he files his complaint.

IT IS SO ORDERED AND ADJUDGED.

Dated: April 18, 2008

  
SUSAN ILLSTON  
United States District Judge

FILED

APR 28 2008

ROBERT W. WHITNEY  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

HOMER E. HAWKINS,  
Plaintiff,

No. C 07-5644 SI (pr)

**ORDER OF DISMISSAL**

v.

ROBERT DOYLE,  
Marin County Sheriff; et al.,  
Defendants.

On March 4, 2008, the court ordered plaintiff, Homer Hawkins, to show cause why this action should not be dismissed under 28 U.S.C. § 1915(g), which provides that a prisoner may not bring a civil action in forma pauperis under 28 U.S.C. § 1915 "if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). The order identified three prior dismissals that appeared to count under § 1915(g) and ordered Hawkins to show cause why pauper status should not be denied and this action dismissed. The order further stated that Hawkins also could avoid dismissal by paying the filing fee by the deadline. Order To Show Cause Re. Contemplated Dismissal, p. 3.

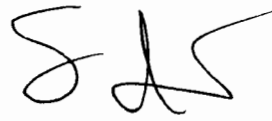
Hawkins did not pay the filing fees, did not show that any of the prior dismissals could not be counted under § 1915(g), and did not otherwise show cause why this case could not be dismissed in his response filed March 27, 2008. The court finds that the three prior dismissals identified in the order to show cause count as dismissals for purposes of § 1915(g). Hawkins

1 does not come within any exception to the applicability of § 1915(g).

2 Accordingly, Hawkins' in forma pauperis application is DENIED and this action is  
3 dismissed pursuant to 28 U.S.C. § 1915(g). The dismissal is without prejudice to Hawkins  
4 asserting his claims in an action for which he pays the full filing fee at the time he files his  
5 complaint. The clerk shall close the file.

6 IT IS SO ORDERED.

7 Dated: April 19, 2008

  
\_\_\_\_\_  
SUSAN ILLSTON  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

HOMER E HAWKINS,  
Plaintiff,

Case Number: CV07-05644 SI

**CERTIFICATE OF SERVICE**

v.

ROBERT DOYLE, SHERIFF et al,  
Defendant.

---


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 22, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Homer Earl Hawkins  
C-55875  
Ironwood State Prison  
PO Box 2199  
Blythe, CA 92226

Dated: April 22, 2008

Richard W. Wieking, Clerk  
By: Tracy Sutton, Deputy Clerk



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

HOMER E. HAWKINS,  
Plaintiff,

No. C 07-5644 SI (pr)

**ORDER TO SHOW CAUSE RE.  
CONTEMPLATED DISMISSAL**

v.

ROBERT DOYLE, Marin County Sheriff;  
et al.,  
Defendants.

Homer E. Hawkins seeks to proceed in forma pauperis pursuant to 28 U.S.C. § 1915 in this action.

A prisoner may not bring a civil action in forma pauperis under 28 U.S.C. § 1915 "if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). Section 1915(g) requires that this court consider prisoner actions dismissed before, as well as after, the statute's 1996 enactment. Tierney v. Kupers, 128 F.3d 1310, 1311-12 (9th Cir. 1997).

For purposes of a dismissal that may be counted under § 1915(g), the phrase "fails to state a claim on which relief may be granted" parallels the language of Federal Rule of Civil Procedure 12(b)(6) and carries the same interpretation, the word "frivolous" refers to a case that is "of little weight or importance: having no basis in law or fact," and the word "malicious" refers to a case "filed with the 'intention or desire to harm another.'" Andrews v. King, 398 F.3d



1 1113, 1121 (9th Cir. 2005) (citation omitted). Only cases within one of these three categories  
 2 can be counted as strikes for § 1915(g) purposes, so the mere fact that Hawkins has filed many  
 3 cases does not alone warrant dismissal under § 1915(g). See id. Rather, dismissal of an action  
 4 under § 1915(g) should only occur when, "after careful evaluation of the order dismissing an  
 5 [earlier] action, and other relevant information, the district court determines that the action was  
 6 dismissed because it was frivolous, malicious or failed to state a claim." Id.

7 Andrews requires that the prisoner be given notice of the potential applicability of §  
 8 1915(g), by either the district court or the defendants, but also requires the prisoner to bear the  
 9 ultimate burden of persuasion that § 1915(g) does not bar pauper status for him. Id. Andrews  
 10 implicitly allows the court to sua sponte raise the § 1915(g) problem, but requires the court to  
 11 notify the prisoner of the earlier dismissals it considers to support a § 1915(g) dismissal and  
 12 allow the prisoner an opportunity to be heard on the matter before dismissing the action. See id.  
 13 at 1120. A dismissal under § 1915(g) means that a prisoner cannot proceed with his action as  
 14 a pauper under § 1915(g), but he still may pursue his claims if he pays the full filing fee at the  
 15 outset of the action.


16 A review of the dismissal orders in Hawkins' prior prisoner actions in this court reveals  
 17 that Hawkins has had at least three such cases dismissed on the ground that they were frivolous,  
 18 malicious, or failed to state a claim upon which relief may be granted. Hawkins is now given  
 19 notice that the court believes the following dismissals may be counted as dismissals for purposes  
 20 of § 1915(g): (1) Hawkins v. Marin County Jail Commissioners, N. D. Cal. Case No. C 01-3288  
 21 SI (civil action dismissed for failure to state a claim upon which relief may be granted); (2)  
 22 Hawkins v. Oakland County Officer's Local Governing Bodi, N. D. Cal. Case No. C 02-4608  
 23 SI (civil action dismissed for failure to state a claim upon which relief may be granted); and (3)  
 24 Hawkins v. Marin Sheriff, N. D. Cal. Case No. C 03-2360 SI (civil rights action dismissed for  
 25 failure to state a claim upon which relief may be granted). The court made its evaluation of  
 26 these cases based on the dismissal orders in them. See Andrews, 398 F.3d at 1120 (sometimes  
 27 the docket records may be sufficient, and sometime the actual court files may need to be  
 28 consulted).



1 In light of these dismissals, and because Hawkins does not appear to be under imminent  
2 danger of serious physical injury, he is ORDERED TO SHOW CAUSE in writing filed no later  
3 than **April 11, 2008** why in forma pauperis should not be denied and this action should not be  
4 dismissed pursuant to 28 U.S.C. § 1915(g). In the alternative to showing cause why this action  
5 should not be dismissed, Hawkins may avoid dismissal by paying the full \$350.00 filing fee by  
6 the deadline.

7 IT IS SO ORDERED.

8 Dated: March 7, 2008

  
SUSAN ILLSTON  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

HOMER E HAWKINS,  
Plaintiff,

Case Number: CV07-05644 SI

**CERTIFICATE OF SERVICE**

v.

ROBERT DOYLE, SHERIFF et al,  
Defendant.

---

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 5, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Homer Earl Hawkins  
C-55875  
Ironwood State Prison  
PO Box 2199  
Blythe, CA 92226

Dated: March 5, 2008

Richard W. Wieking, Clerk  
By: Tracy Sutton, Deputy Clerk

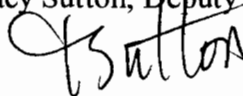


EXHIBIT COVER PAGE



EXHIBIT

Description of this Exhibit:

Case No. CV-07-5644-SI(pi) / CLAIM No. CC2007-005 \*1-3/  
CLAIM No. L02-0073- No. L01-0110

Number of pages to this Exhibit 16 pages.

JURISDICTION: (Check only one)

- ☐ Municipal Court
- ☐ Superior Court
- ☒ Appellate Court
- ☐ State Supreme Court
- ☐ United States District Court
- ☒ State Circuit Court
- ☐ United State Supreme Court
- ☐ Grand Jury

HOMER E. HAWKINS (3)

CDC # ID. C-55875

IRONWOOD STATE PRISON

P.O. BOX = 2199

Blythe, CA. 92226

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

HOMER E. HAWKINS (3),

CASE No. C-07-5644 SI (pc)

Plaintiff,

REPLY; FROM ORDER TO

Vs.

SHOW CAUSE RE:

ROBERT DOYLE, Marin

County Sheriff; et. al.,

Defendants.

Homer E. Hawkins seeks to proceed "In Forma Pauperis" pursuant to (28 U.S.C. § 1915) in this action.

Plaintiff inmate filed three actions in forma pauperis under 42 U.S.C. § 1983 were and then dismissed for failure to state a claim by the district court. The challenged/or reply pursuant to 28 U.S.C. § 1915 (4), the court is contemplated or refused plaintiff in forma pauperis status.

CLAIM - A

28 U.S.C. §§ 1915 (e) (2), 1915 A, and 1997 (e) (c) (1); See, e.g., Pena

CASE No. C-07-5644 SI (pr)

V. Gardner (9th Cir. 1992) 976 F. 2d 469; Barren v. Harrington (9th Cir. 1998) 152 F. 3d 1193. If a court, in deciding whether a complaint states an arguable issue, considers information outside the pleadings, the dismissal become a summary judgment proceeding and the plaintiff is entitled to an opportunity to respond. See Lucas v. California Dept. of Corrections (9th Cir. 1995) 66 F. 3d 245.

### CLAIM - B

Plaintiff bring lawsuit against defendants, city, and officials, alleging that specific conditions at the city jail violated my constitutional rights. See Exhibit's <sup>#</sup> Complaint - (1), (2), (3).

### CLAIM - C

Pre-Trial detainees are those individuals who the government has probable cause to believe have committed crimes. Gerstein v. Pugh, 420 U.S. 103, 114, 43 L. Ed. 2d 54, 95 S. Ct. 854 (1975). They are confined pending trial, either because there is cause to believe that they are dangerous or because they cannot afford to make bail. Unlike convicted prisoners, the state has no right to punish them. Bell v. Wolfish, 441 U.S. 520, 532-35, 60 L. Ed. 2d 447, 99 S. Ct. 1861 (1979). Their confinement conditions are analyzed under the Due Process Clause of the "FIFTH and FOURTEENTH AMENDMENTS" rather than the "EIGHTH AMENDMENTS" cruel and unusual punishment, standard which is used for convicted prisoners. The injuries detainees suffer must be necessarily incident to administrative interests

CASE No. C-07-5644 SI(pr)

in safety, security and efficiency. Constitutionally infirm practices are those that are punitive in intent, those that are not rationally related to a legitimate purpose or those that are rationally related but are excessive in light of their purpose. *Id.* at 538, n. 20. The length of a detainee confinement must also be considered in assessing the institution practices. *Bell v. Wolfish*, 441 U.S. at 555, n. 35; *Hutto v. Finney*, 437 U.S. 678, 686-87, 57 L. Ed. 2d 522, 98 S. Ct. 2565 (1978) reh'g denied, 439 U.S. 1122, 99 S. Ct. 1035, 59 L. Ed. 2d 83 (1979); *Campbell v. Cauthron*, 623 F.2d 503, 507 (8th Cir. 1980).

### CLAIM - D

Whether the law is clearly established depends on what would be apparent in each situation. Where an official could be expected to know that certain conduct would violate statutory or constitutional right, defendant should be made to hesitate. *Harlow v. Fitzgerald*, 457 U.S. at 819 (emphasis added).

A Pre-Trial detainees have a substantial Due Process interest in effective communication with the counsel and in access to legal materials. When this interest is inadequately respected during pre-trial confinement, the ultimate fairness of this eventual trial can be compromised. (*Campbell v. McGruder*, 188 U.S. App. D.C. 258, 580 F.2d 521, 531-32 (D.C. Cir. 1978) (statistical disparity in convictions even when other factors are controlled).

### CLAIM - E

Plaintiff say the allegations alleges the forward reply is deprivation of

1 CASE No. C-07-5644 SI (pr)

2  
3  
4  
5  
6  
7 I DECLARE UNDER PENALTY OF PERJURY THAT THE FORE-  
8 GOING IS TRUE AND CORRECT :  
9  
10  
11  
12  
13  
14

15 Signed this 25 day of MARCH , 2008  
16  
17  
18  
19  
20  
21  
22

23 Plaintiff Signature

24 HOMER E. HAWKINS (3)  
25  
26  
27  
28





# MARIN COUNTY SHERIFF'S OFFICE

3501 Civic Center Drive, Room 145, San Rafael, CA 94903

ROBERT T. DOYLE

Sheriff

DENNIS FINNEGAN

Undersheriff

May 22, 2006

Homer E. Hawkins  
C-55875 Ironwood State Prison  
P.O. Box 2199  
Blythe, CA 92226

Re: Citizen Complaint, CC2007-005 #1-3

Dear Mr. Hawkins,

Please find enclosed the disposition letter from Captain David Augustus dated December, 5, 2007.

In regards to your request for a copy of the first page of each Complaint with the date received or filed and the report or tracking number, I have included a copy of your complaints numbered one through three. Complaint number one is dated as received October 18, 2007 with report number CC07-005.

Complaints number two and three were not dated when received. They also did not receive a case number as they were treated by our office as a continuation of the original complaint.

Sincerely,

ROBERT T. DOYLE  
SHERIFF

SCOTT ANDERSON

Lt. Scott Anderson

Cc: Legal Aid of Marin  
Jean Bordon, Volunteer Attorney

AREA CODE 415

24-HOUR NUMBER  
499-7233

FAX  
507-4126

ADMINISTRATION  
499-7250

CIVIL  
499-7282

COMMUNICATION  
SERVICES  
499-7243

EMERGENCY  
SERVICES  
499-6584

INVESTIGATIONS  
499-7265

JAIL  
499-6655

MAJOR CRIMES  
TASK FORCE  
884-4878

PATROL  
499-7233

RECORDS  
499-7284

WARRANTS  
499-7297

*"In Partnership with our Communities"*

[www.marinsheriff.org](http://www.marinsheriff.org)

[www.co.marin.ca.us](http://www.co.marin.ca.us)



# MARIN COUNTY SHERIFF'S OFFICE

3501 Civic Center Drive, Room 145, San Rafael, CA 94903

ROBERT T. DOYLE

Sheriff

DENNIS FINNEGAN

Undersheriff

December 5, 2007

Homer E. Hawkins, III  
C-55875 Ironwood State Prison  
P.O. Box 2199  
Blythe, CA.92226

AREA CODE 415

24-HOUR NUMBER  
499-7233

Re: Citizen Complaint, CC2007-005 #1-3

Dear Mr. Hawkins,

FAX  
507-4126

The investigation into your citizen complaint(s) has been completed pursuant to our Administrative and Jail policies. The complaint stated that your legal mail was opened not in your presence, staff failed to process your inmate grievances correctly and you were denied legal services that is provided to indigent inmates.

ADMINISTRATION  
499-7250

CIVIL  
499-7282

The investigation that was conducted to the allegation of opening legal mail not in your presence was determined that this fact did occur. It was further determined that all policies and procedures in place for such occurrence were followed. Albeit infrequent, the occasional opening of legal mail is almost unavoidable considering the daily amount of mail to our facility. Oftentimes the mail in question is inadequately marked contributing to the opening in error.

COMMUNICATION  
SERVICES  
499-7243

EMERGENCY  
SERVICES  
499-6584

Jail records indicate that your inmate grievances were processed in compliance with our jail policy. I have read all three investigations that were conducted by a supervisor and reviewed by a jail commander. Since these complaints have been adjudicated through other processes and the investigation did not produced any new violations of policies or procedures, I have determined that this complaint to have no merit and all personnel **exonerated**.

INVESTIGATIONS  
499-7265

JAIL  
499-6655

MAJOR CRIMES  
TASK FORCE  
884-4878

PATROL  
499-7233

RECORDS  
499-7284

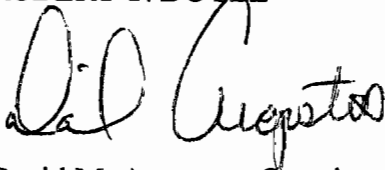
WARRANTS  
499-7297

*"In Partnership with our Communities"*

[www.marinsheriff.org](http://www.marinsheriff.org)

Sincerely,

ROBERT T. DOYLE

A handwritten signature in black ink, appearing to read "David M. Augustus". The signature is written in a cursive, flowing style with a large initial "D" and "A".

David M. Augustus, Captain  
Bureau of Detention Services

Cc: Legal Aid of Marin  
Jean Bordon, Volunteer Attorney



ADDRESS ALL  
COMMUNICATIONS  
TO THE SHERIFF

**SHERIFF'S OFFICE**  
COUNTY OF MARIN  
HALL OF JUSTICE, CIVIC CENTER  
SAN RAFAEL, CALIFORNIA 94903

TELEPHONE  
499-7233

CITIZENS COMPLAINT REPORT

Report No. CC07-005

Date Filed \_\_\_\_\_

REPORTING PARTY

Homer E. Hawkins, III

NAME C-55875 Ironwood State Prison  
P.O. Box 2199 Blythe, CA 92226

HOME ADDRESS

PHONE NUMBER

BUSINESS ADDRESS

PHONE NUMBER

VICTIM OF MISCONDUCT (If different than reporting party)

same

NAME

HOME ADDRESS

PHONE NUMBER

BUSINESS ADDRESS

PHONE NUMBER

DATE/TIME OF INCIDENT

LOCATION

WITNESS(ES)

Please See Attachment to Citizen's Complaint #1

NAME

ADDRESS

PHONE NUMBER

NAME

ADDRESS

PHONE NUMBER

NAME OR DESCRIPTION OF SHERIFF'S EMPLOYEE WHO IS THE SUBJECT OF COMPLAINT

Please See Attachment to Citizen's Complaint #1

WAS ANY PARTY TO THE COMPLAINT, OR WITNESS, DETAINED OR INTERVIEWED BY THE SHERIFF'S DEPARTMENT?  
IF SO, WHOM Please See Attachment to Citizen's Complaint #1

MAY THE INVESTIGATOR INTERVIEW THE COMPLAINT AT HIS/HER PLACE OF EMPLOYMENT? ☐ YES ☐ NO NA

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZEN'S COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

I have read and understood the above statement.

Signature of reporting party

Homer E. Hawkins III

RECEIVING OFFICER  
SIGNATURE

Endy

BADGE NO.

1313

DATE/TIME 10/18/07



ADDRESS ALL  
COMMUNICATIONS  
TO THE SHERIFF

**SHERIFF'S OFFICE**  
COUNTY OF MARIN  
HALL OF JUSTICE, CIVIC CENTER  
SAN RAFAEL, CALIFORNIA 94903

TELEPHONE  
499-7233

CITIZENS COMPLAINT REPORT

Report No. \_\_\_\_\_ Date Filed \_\_\_\_\_

REPORTING PARTY

*Homer E. Hawkins, III*

NAME *C-55875 Ironwood State Prison*  
*P.O. Box 2199 Blythe, CA 92226*

HOME ADDRESS

PHONE NUMBER

BUSINESS ADDRESS

PHONE NUMBER

VICTIM OF MISCONDUCT (If different than reporting party)

*same*

NAME

HOME ADDRESS

PHONE NUMBER

BUSINESS ADDRESS

PHONE NUMBER

DATE/TIME OF INCIDENT

LOCATION

WITNESS(ES)

*Please See Attachment Citizen's Complaint #2*

NAME

ADDRESS

PHONE NUMBER

NAME

ADDRESS

PHONE NUMBER

NAME OR DESCRIPTION OF SHERIFF'S EMPLOYEE WHO IS THE SUBJECT OF COMPLAINT

*Please See Attachment Citizen's Complaint #2*

WAS ANY PARTY TO THE COMPLAINT, OR WITNESS, DETAINED OR INTERVIEWED BY THE SHERIFF'S DEPARTMENT?  
IF SO, WHOM *Please See Attachment Citizen's Complaint #2*

MAY THE INVESTIGATOR INTERVIEW THE COMPLAINT AT HIS/HER PLACE OF EMPLOYMENT? ☐ YES ☐ NO *NA*

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZEN'S COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

I have read and understood the above statement.

Signature of reporting party

*Homer E. Hawkins III*

RECEIVING OFFICER  
SIGNATURE \_\_\_\_\_

BADGE NO. \_\_\_\_\_ DATE/TIME \_\_\_\_\_





ADDRESS ALL  
COMMUNICATIONS  
TO THE SHERIFF

**SHERIFF'S OFFICE**  
COUNTY OF MARIN  
HALL OF JUSTICE, CIVIC CENTER  
SAN RAFAEL, CALIFORNIA 94903

TELEPHONE  
499-7233

**CITIZENS COMPLAINT REPORT**

Report No. \_\_\_\_\_ Date Filed \_\_\_\_\_

**REPORTING PARTY**

*Homer E. Hawkins, III*

NAME *C-55875 Ironwood State Prison*  
*P.O. Box 2199 Blythe, CA 92226*

HOME ADDRESS

PHONE NUMBER

BUSINESS ADDRESS

PHONE NUMBER

**VICTIM OF MISCONDUCT (If different than reporting party)**

*same*

NAME

HOME ADDRESS

PHONE NUMBER

BUSINESS ADDRESS

PHONE NUMBER

DATE/TIME OF INCIDENT

LOCATION

**WITNESS(ES)**

*Please See Attachment Citizen's Complaint #3*

NAME

ADDRESS

PHONE NUMBER

NAME

ADDRESS

PHONE NUMBER

**NAME OR DESCRIPTION OF SHERIFF'S EMPLOYEE WHO IS THE SUBJECT OF COMPLAINT**

*Please See Attachment Citizen's Complaint #3*

WAS ANY PARTY TO THE COMPLAINT, OR WITNESS, DETAINED OR INTERVIEWED BY THE SHERIFF'S DEPARTMENT?  
IF SO, WHOM *Please See Attachment Citizen's Complaint #3*

MAY THE INVESTIGATOR INTERVIEW THE COMPLAINT AT HIS/HER PLACE OF EMPLOYMENT? ☐ YES ☒ NO *NA*

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZEN'S COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

I have read and understood the above statement.

Signature of reporting party

RECEIVING OFFICER  
SIGNATURE

BADGE NO. \_\_\_\_\_ DATE/TIME \_\_\_\_\_

PATRICK K. FAULKNER  
COUNTY COUNSEL

COUNTY COUNSEL OF MARIN COUNTY

3501 Civic Center Drive, Suite 303  
San Rafael, California 94903-5222

(415) 499-6117

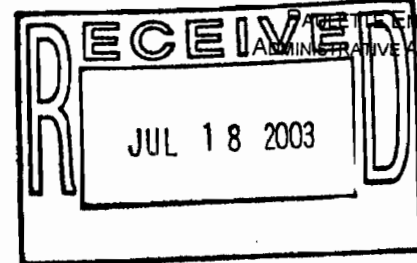
FAX (415) 499-3796  
TDD (415) 499-6172

JACK F. GOVI  
ASSISTANT COUNTY COUNSEL

DOROTHY R. JONES  
JAMES G. FLAGEOLLET  
CHIEF DEPUTIES

ALEXIS J. MCBRIDE  
MARI-ANN G. RIVERS  
RENEE GIACOMINI BREWER  
DAVID L. ZALTSMAN  
MICHELE KENO  
NANCY STUART GRISHAM  
JENNIFER M. W. VUILLERMET  
THOMAS F. LYONS  
BYRON K. TOMA  
DEPUTIES

PAMELA E. ENGLER  
ADMINISTRATIVE ASSISTANT



July 17, 2003

Homer Hawkins  
c/o: Legal Aid of Marin  
30 North San Pedro Road #220  
San Rafael, CA 94903

**Re: CLAIMANT: HOMER HAWKINS CLAIM NO. L02-0073**

**NOTICE OF REJECTION OF CLAIM IN PART  
AND RETURN OF CLAIM WITHOUT ACTION IN PART  
(Government Code §§911.3 and 913)**

**NOTICE IS HEREBY GIVEN** that the claim which you presented to the Board of Supervisors of the County of Marin on June 9, 2003, was timely only with respect to causes of action for damage accruing within six (6) months prior to the presentation of the claim. To the extent your claim was timely only, it was rejected on the above date by the Office of County Counsel, acting on behalf of the Board of Supervisors.

**NOTICE IS FURTHER GIVEN** that the County of Marin took no action on that portion of your claim, if any, which was not presented in the time allowed by law. To the extent your claim was not presented within six (6) months after the event or occurrence as required by law, it is being returned to you without action. See Government Code §§901 and 911.3.

Your only recourse at this time with respect to untimely claims is to apply without delay to the County of Marin for leave to present a claim. See Government Code §§911.4 to 912.2 inclusive, and §946.6. Under some circumstances, leave to present a late claim will be granted. See Government Code §911.6.

**WARNING**

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the U. S. Mail to file a court action as to those claims rejected by the County. See Government Code §945.6.

Please note that this notice is being sent pursuant to the requirements of the California Government Code and that the referenced six (6) months statute of limitations applies

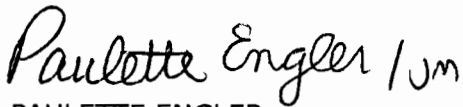


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specifically to actions brought pursuant to the California Government Code. A different statute of limitations may apply to actions filed pursuant to Federal law.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

PATRICK K. FAULKNER  
COUNTY COUNSEL

A handwritten signature in cursive script that reads "Paulette Engler / jm". The signature is written in black ink and is positioned above the printed name and title.

PAULETTE ENGLER  
Administrative Assistant  
to the County Counsel

encl.

cc: Claims Adjuster

**PROOF OF SERVICE**

**Claimant: Homer Hawkins**  
**Claim No: L02-0073**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is County Counsel of Marin County, Suite 303, Civic Center, San Rafael, CA 94903. On July 17, 2003, I served the within document(s):

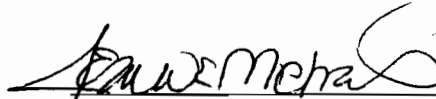
**NOTICE OF REJECTION OF CLAIM IN PART  
AND RETURN OF CLAIM WITHOUT ACTION IN PART**

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Rafael, California addressed as set forth below.
- ☐ by causing personal delivery by (name of person) of the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by overnight delivery to an overnight delivery carrier with delivery fees provided for, addressed to the person(s) set forth below.

Homer Hawkins  
c/o: Legal Aid of Marin  
30 North San Pedro Road #220  
San Rafael, CA 94903

I am readily familiar with the County's practice of collection and processing correspondence for mailing and overnight delivery. Under that practice it would be deposited with the U. S. postal service/overnight delivery service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on July 17, 2003, at San Rafael, California.

  
Jeanine Michaels

PATRICK K. FAULKNER  
COUNTY COUNSEL

COUNTY COUNSEL OF MARIN COUNTY

3501 Civic Center Drive, Suite 303  
San Rafael, California 94903-5222

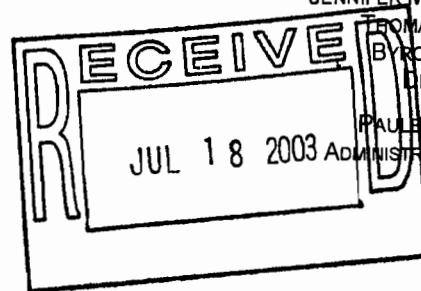
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PAULETTE ENGLER  
ADMINISTRATIVE ASSISTANT



July 17, 2003

Homer Hawkins  
c/o Legal Aid of Marin  
30 North San Pedro Road #220  
San Rafael, CA 94903

**Re: CLAIMANT: HOMER HAWKINS CLAIM NO. L01-0110**

**NOTICE OF DENIAL OF APPLICATION FOR  
LEAVE TO FILE A LATE CLAIM  
(Government Code §911.4)**

**NOTICE IS HEREBY GIVEN** that your application to present a late claim to the Board of Supervisors of the County of Marin, received on June 9, 2003, was denied on the above date by the County Counsel's Office, acting on behalf of the Board of Supervisors.

**WARNING**

If you wish to file a court action on this matter, you must first petition the appropriate court for an order relieving you from the provisions of Government Code §945.4 (claims presentation requirement). See Government Code §946.6. Such petition must be filed with the court within six (6) months from the date your application for leave to present a late claim was denied.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

PATRICK K. FAULKNER  
COUNTY COUNSEL

PAULETTE ENGLER  
Administrative Assistant  
to the County Counsel

encl.  
cc: Claims Adjuster

**PROOF OF SERVICE**

**Claimant: Homer Hawkins**

**Claim No: L01-0110**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is County Counsel of Marin County, Suite 303, Civic Center, San Rafael, CA 94903. On July 17, 2003, I served the within document(s):

**NOTICE OF DENIAL OF APPLICATION FOR  
LEAVE TO FILE A LATE CLAIM**

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
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Jeanine Michaels